

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

_____)	
LEVERT BROWN)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 19-155 WES
)	
HENRY KINCH, et al.)	
)	
Defendants.)	
_____)	

ORDER

Pro se Plaintiff Levert Brown filed an initial Complaint raising claims under 42 U.S.C. §1983, ECF No. 1, as well as an Application to Proceed In Forma Pauperis ("IFP"), ECF No. 2. Judge Almond reviewed the Complaint as part of the initial screening pursuant to 28 U.S.C. §1915(e)(2). Judge Almond issued a Report and Recommendation ("R&R") recommending that Plaintiff's Complaint be dismissed without prejudice for failure to state a claim upon which relief could be granted, and accordingly also denying Plaintiff's Application to Proceed IFP. ECF No. 3. Plaintiff objected and asked the Court for leave to file an amended complaint, which the Court allowed. Pl. Obj., ECF No. 4; Docket Entry on Oct. 25, 2019. It is this Amended Complaint that is now before the Court. Pl. Am. Compl., ECF No. 5.

In his original complaint, Brown sued Kinch in his individual and official capacity as "head clerk" of the Providence County Superior Court, as well as unidentified clerk's office staff named as John and Jane Doe Defendants. Pl. Compl. ¶ 3. He made claims regarding the Defendants' failure to docket several filings in his civil case, ostensibly due to Plaintiff's ongoing criminal case, although the Complaint is not entirely clear on this point. Id. at ¶¶ 8-13. In his R&R, Judge Almond found that Brown's Complaint failed to state a cognizable claim under § 1983 because he did not "plead any facts suggesting that the alleged actions of the Clerk, if true, were intentional." R&R 3-4.

Plaintiff's Amended Complaint fails to cure the deficiency identified by Judge Almond. The Amended Complaint is almost identical to Plaintiff's original Complaint, and does not allege any additional facts regarding intentional actions taken by the Clerk or other state actors. Therefore, Plaintiff's Amended Complaint is DISMISSED without prejudice, and his Application For Leave to Proceed IFP is DENIED.

IT IS SO ORDERED.



William E. Smith
United States District Judge
Date: December 3, 2019

